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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/025,531    02/18/98    BECKMAN

J    1-5119

EXAMINER
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027210    QM12/0226  
MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA - FOURTH FLOOR  
720 WATER STREET  
TOLEDO OH 43604

NGUYEN, T	PAPER NUMBER
ART UNIT	

3726  
DATE MAILED:

*19*

02/26/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/025,531

Applicant(s)  
Beckman

Examiner  
Trinh Nguyen

Group Art Unit  
3726



☒ Responsive to communication(s) filed on Nov 29, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>o</sup> of this title before the invention thereof by the applicant for patent.

2. **Claims 1, 2, 4-7, 11 and 14** are rejected under 35 U.S.C. 102(b) as being anticipated by **Horton et al.** (US 5,862,877).

**Horton et al.** discloses a method for manufacturing a cradle assembly comprising the steps of: hydroforming the side frame members (12, 112, 14, 114, 26, 126) to form a plurality of integrally mounting structures thereon (38, 60, 42, 43, 202), wherein the integrally mounting structures comprise of apertures in which various vehicle components can be mounted directly to the integrally mounting structures (see lines 1-50 of col. 5); and securing a cross member (24) to the side frame members. As shown in Figure 2 at 126, note that the integrally mounting structure comprises an inwardly extending protrusion which is shaped to support any vehicle components.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3, 8, 10, 12, 13, and 15-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Horton et al.** (US 5,862,877).

With respect to claims 3, 8, and 15, Horton et al. discloses the claimed invention as stated above in paragraph 2 except for specifying the location of the aperture relative to various brackets. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the aperture located at a certain specific location as claimed, since it has been held that rearranging parts of an invention involves only routine skill in the art.

With respect to claims 9, 10, 12 and 13, Horton et al. discloses the claimed invention as stated above in paragraph 2 except for specifying that both the first and second side frame members comprise an inwardly extending protrusion thereon. However, since Horton et al.'s method of manufacturing teach the step of forming an inwardly protrusion on a frame member during a hydroforming process, one of ordinary skill in the art would have found it obvious to form another inwardly protrusion onto another frame member, so as to provide an additional mounting structure for the entire cradle assembly.

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5. With respect to claims 16-27, it is believed that the claimed steps of "connecting" various vehicle components to the integrally mounting structure, as such, are inherent steps within Horton et al.'s method of manufacturing a vehicle frame assembly. However, if the method do not teach the steps of "connecting", then one of ordinary skill in the art would be found it obvious to connect various vehicle components, such as control arm, engine, cab, leaf spring, box, and bumper, to the integrally mounting structure, so as to form a complete motor vehicle that can operate efficiently, since these components are the main bulk that drive the whole operation of the motor vehicle.

***Response to Arguments***

6. Applicant's arguments filed 11/29/00 have been fully considered but they are not persuasive.

7. In response to Applicant's argument that Horton's engine cradle assembly is not a vehicle frame assembly, the Examiner disagrees. Applicant should note that one of ordinary skill in the art would interpret Horton's engine cradle assembly as a vehicle frame assembly since the engine cradle assembly does included similar structures, i.e., a pair of side rails having integrally formed mounting structure and cross members, as the vehicle frame assembly as claimed by the Applicant.

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***Conclusion***

8. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

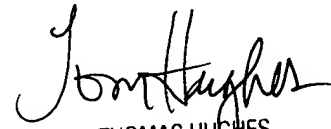
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trinh Nguyen** whose telephone number is **(703) 306-9082**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 308-1148**.

TTN

February 21, 2001

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

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